



Richard Parkin

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cc:

Subject: Columbia TMDL - Meeting with States and Tribes 3/29/01 in Portland

Attendees:

Greg Haller - Nez Perce Tribe	Anne Butler - Ecology	David Mabe - IDEQ	Russel
Harding - ODEQ	Mary Lou Soscia - EPA		
Cat BLack - CRYTFC	Dave Peeler - Ecology		Joyce
Cohen - ODEQ	Tom Eaton - EPA		
	Chris Maynard - Ecology		
	Adrienne Allen - EPA		
	Rick Parkin - EPA		

Summary:

1. Public Outreach Strategy - We went through the "Outline - Communication and Coordination" one last time. Mary Lou jotted down a few minor comments and changes and we agreed that the outreach strategy can go final. We will put it on the web page.

2. Work plan - We went through the work plan page by page. It had not been made available for review prior to the meeting. The States and Tribes had mostly minor comments, but two important additions. First, they want us to put the implementation plan component back into the work plan. We will put it in as discretionary for the states and the description of the implementation plan will be an appendix to the work plan. Second they asked us to develop a technical paper describing how we will account for the tributaries in the TMDL. The states are going to provide final comments to me by Wed, 4/4/01. In the context of the workplan we did firm up a few decisions that had been pending:

- a. The states will issue the TMDLs for gas and temperature.
- b. There will be 3 informal workshops during the summer, as outlined in the workplan. They will be spread around the Region, perhaps one in each state. We will create an expectation among the public that we will not be responding to comments received orally or in writing in response to these workshops. EPA will have the lead in developing these work shops with assistance from Anne Butler of Ecology, Russell Harding from Oregon and someone to be determined from ID. If we can work the TDG TMDL work into these work shops we will.
- c. There will be a number of formal public meetings during the public comment period; at least 2 in Or and 2 in WA and 1 in ID but perhaps more than that. These will be meetings designed to meet State public involvement requirements since the states will be issuing the TMDLs. The states will take the lead for developing these meetings.

3. MOA - Last week our OGC identified a number of paragraphs in the TMDL MOA that appeared to

be inconsistent with the Congressional rider prohibiting EPA from spending money to implement the new TMDL regulations. Specifically it contains language about EPA developing or helping to develop an implementation plan for the TMDL as part of the TMDL. Implementation plans are only required in the new regs and EPA is prohibited by the rider from working on them or requiring them. We worked with OGC to develop alternative language to correct this problem and also to clearly identify who was going to issue the TMDL, a point that was ambiguous in the document. We were prepared to go over that new language with the states in order to amend the MOA, but they were strongly and unanimously opposed to opening the MOA so that it would have to be resigned. They thought that it would be very difficult to get it signed in a timely manner because everyone would want to amend language in the document. They understood that EPA can not be a party to the MOA as it is written because of the Congressional Rider so we discussed other options: abolish the MOA or write an addendum to the MOA that would clarify that EPA will have no part in the implementation plans. Ultimately the group decided that it would like to write an addendum to the MOA. It would be short but it would be used to clarify 3 points: 1. that the states will issue the TMDLs; 2. That the states will be doing the implementation plans under there own discretion and EPA will not be a part of those; and 3. the role of the Action Agencies (Corps, BPA and BoR) in the TMDL. Adrienne will discuss this with OGC and get their input and hopefully their consent to proceed with an addendum.

4. Western Governor's Association - The three states applied to the Western Governor's Association for assistance with the public involvement efforts for this TMDL. There were only 2 applications for assistance; this one and Bear Creek, ID so it is possible that we may get up to \$75K worth of assistance from the Association. The assistance will be mostly human resources. John Osterberg of the Association called me and left a message. I called him back and left him a message that EPA was supportive of this assistance.

Mary Lou, as usual has a long list of to do's from the meeting that we will be following up on but I tried to summarize the major points from the meeting. Call me at 3-8574 if you have any questions about any of this.